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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,181

02/04/2002

David A. Martin

0236.0018

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06/21/2006

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,181

Applicant(s)

MARTIN ET AL.

Examiner

Luke Gilligan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/6/02, 10/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3626

Claims 1-13 have been examined.

Claim Objections

1. Claim 3 is objected to because of the following informalities: the phrase “updating the associated credentialing information” is recited twice in succession following the preamble. The Examiner assumes that this is a clerical error and will treat the claim as such. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4, 6-10, and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the phrase “obtaining a release of the associated credentialing information from the associated healthcare provider” at lines 4-5. There is insufficient antecedent basis for these limitations in the claim. For Examination purposes, the Examiner will interpret this limitation as “obtaining a release of associated credentialing information from an associated healthcare provider.”

5. Claim 2 is directed to a “method for underwriting insurance in between recredentialing periods.” However, none of the steps in the body of the claim are directed to underwriting insurance. Therefore, claim 2 appears to omit essential steps. See MPEP § 2172.01. Claims 3-4 and 6-7 also fail to recite limitations directed to underwriting insurance and, therefore, are rejected for the same reasons.

Art Unit: 3626

6. Claim 8 is directed to an “apparatus for underwriting insurance in between recredentialing periods.” However, none of the means recited in the body of the claim are directed to underwriting insurance. Therefore, claim 8 appears to omit essential elements. See MPEP § 2172.01. Claims 9-10 and 12-13 also fail to recite limitations directed to underwriting insurance and, therefore, are rejected for the same reasons.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6-9, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., U.S. Patent No. 6,035,276 in view of Turner, **Bexar, Medical Society taking credentialing unit national** (hereinafter Bexar, paragraphs numbered by Examiner) (both references cited in IDS, filed 5/6/02).

9. As per claim 1, Newman teaches a method of ensuring current information when credentialing information has been obtained from a healthcare provider, the method comprising: obtaining a release of associated credentialing information from an associated healthcare provider (see column 3, lines 11-20, the Examiner interprets the initial universal application from, completed by a physician desiring to use the system, to be a form of “release” as recited in the claim); updating the associated credentialing information with new information, the new information being collected by affiliated associations, being at least one of the group recited (see column 2, lines 26-32 and column 5, lines 35-54); and evaluating the new information (see column 5, lines 50-52).

Art Unit: 3626

10. Although Newman teaches that new information can be obtained from “affiliated associations” (see column5, lines 45-49), the references does not explicitly teach that the new information is collected by an associated insurance entity. However, Bexar teaches obtaining new information for credentialing by an associated insurance entity (see paragraphs 6-8, 14, and 20-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an insurance entity for collecting information as described by Bexar into the system of Newman. One of ordinary skill in the art would have been motivated to incorporate an insurance entity in this way for the purpose of taking advantage of the overlap in information utilized by both malpractice insurance organizations and credentialing organizations (see paragraphs 20-21 of Bexar).

11. Claims 2-3 recite substantially similar limitations to those already addressed in claim 1 and, as such, are rejected for similar reasons as given above.

12. As per claim 6, Newman in view of Bexar teaches the method of claim 2 as described above. Newman further teaches obtaining a release of associated credentialing information from an associated healthcare provider, the release being obtained via a global computer network (see column 3, lines 11-20 and column 6, lines 30-37).

13. As per claim 7, Newman in view of Bexar teaches the method of claim 6 as described above. Newman further teaches reviewing the associated credentialing information, the information being reviewed via the global computer network (see column 6, lines 30-37).

14. Claims 8-9 and 12-13 recite substantially similar apparatus limitations to method claims 2-3 and 6-7 and, as such, are rejected for similar reasons as given above.

15. Claims 4-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., U.S. Patent No. 6,035,276 in view of Turner, **Bexar, Medical Society taking**

Art Unit: 3626

credentialing unit national and further in view of Business Wire, **PHICO Capital Markets Debuts On-Line Insurance Quotes for Physician Malpractice Coverage** (hereinafter PHICO, paragraphs numbered by Examiner).

16. As per claim 4, Newman in view of Bexar teaches the method of claim 2 as described above. Newman further teaches evaluating the new information (see column 5, lines 50-52). Newman does not explicitly teach generating an insurance premium quote. PHICO teaches generating an insurance premium quote for malpractice insurance (see paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this functionality into the combined system of Newman and Bexar. One of ordinary skill in the art would have been motivated to add this functionality for the purpose of taking advantage of the overlap in information utilized by both malpractice insurance organizations and credentialing organizations (see paragraphs 20-21 of Bexar).

17. As per claim 5, Newman in view of Bexar and PHICO teaches the method of claim 4 as described above. Newman does not explicitly teach generating a medical malpractice insurance policy based on the new information. Bexar further teaches underwriting malpractice insurance based on information from a credentialing organization (see paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Newman. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of taking advantage of the overlap in information utilized by both malpractice insurance organizations and credentialing organizations (see paragraphs 20-21 of Bexar).

18. Claims 10-11 recite substantially similar apparatus limitations to method claims 4-5 and, as such, are rejected for similar reasons as given above.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dyer teaches a system for verification of medical credentials.
- Segal teaches a system for deterring professional liability claims by adding counter-suit insurance to medical malpractice insurance.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/16/06


C. LUKE GILLIGAN
PATENT EXAMINER